

EXHIBIT 3

From: [Wood, Julia \(ATR\)](#)
To: [EWALT, Andrew \(AJE\)](#); [Teitelbaum, Aaron \(ATR\)](#); [ELMER, Julie \(JSE\)](#); [RHEE, Wang Jae](#); [SALEM, Sara](#); [Freeman, Michael \(ATR\)](#); [dpearl@axinn.com](#); [Garcia, Kelly \(ATR\)](#); [Wolin, Michael \(ATR\)](#); [Mene, Gerard \(USAVAE\)](#); [aferguson@oag.state.va.us](#); [spopps@oag.state.va.us](#); [thenry@oag.state.va.us](#); [kgallagher@oag.state.va.us](#); [Brian Wang](#); [Paula Blizzard](#); [bryn.williams@coag.gov](#); [jan.zavislan@coag.gov](#); [steve.kaufmann@coag.gov](#); [nicole.demers@ct.gov](#); [yale.leber@law.njoag.gov](#); [elinor.hoffmann@ag.ny.gov](#); [morgan.feder@ag.ny.gov](#); [david.mcdowell@ag.tn.gov](#); [ethan.bowers@ag.tn.gov](#); [Vernon, Jeffrey \(ATR\)](#); [tyler.corcoran@ag.tn.gov](#); [Elizabeth.Maxeiner@ilag.gov](#); [jayne.weber@azag.gov](#); [cari.jeffries@ca.ag.gov](#); [amy.hanson@atg.wa.gov](#); [brandon.h.garod@doj.nh.gov](#); [james.r.davis@doj.nh.gov](#); [douglas.l.davis@wvago.gov](#); [joseph.conrad@nebraska.gov](#); [jmcghee@ncdoj.gov](#); [jmarx@ncdoj.gov](#); [kchoksi@ncdoj.gov](#); [Tyler.Arnold@atg.wa.gov](#); [kate.iiams@atg.wa.gov](#); [colin.snider@nebraska.gov](#); [zach.biesanz@ag.state.mn.us](#); [evansj@michigan.gov](#); [mertenss@michigan.gov](#); [sprovazza@riag.ri.gov](#); [Jennifer.Cornel@ilag.gov](#); [JHarrison@oag.state.va.us](#); [McBirney, Jimmy \(ATR\)](#); [Barry, Kaitlyn \(ATR\)](#); [Briskin, Craig \(ATR\)](#); [Clemons, Katherine \(ATR\)](#); [Guarnera, Daniel \(ATR\)](#); [Choi, Stephanie \(ATR\)](#); [Lauren.Pomeroy@doj.ca.gov](#); [locean@riag.ri.gov](#); [Nakamura, Brent \(ATR\)](#); [Strick, Amanda \(ATR\)](#); [Daniel Bitton](#); [Ali Vissichelli](#); [Dunn, Karen L](#); [Rhee, Jeannie S](#); [Isaacson, William A](#); [Bial, Joseph J](#); [Dearborn, Meredith](#); [Morgan, Erin J](#); [Amy Mauser](#); [Goodman, Martha](#); [MAHR, Eric \(EJM\)](#); [MCCALLUM, Robert](#); [GARRETT, Tyler](#); [TU, Xiaoxi](#); [craig.reilly@ccreillylaw.com](#); [EISMAN, Scott](#); [Milligan, Heather C](#)
Subject: RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - 30(b)(6) notices
Date: Friday, August 18, 2023 4:54:00 PM

Andy and Team – we are very disappointed to see your response. As we discussed on the call (and I heard you to agree) our motion vis a vis your affirmative defenses is severable from the question of whether the parties should file dueling PO motions on their respective Rule 30(b) notices before our meet/confer on those topics has finished.

As for our motion regarding Google’s affirmative defenses, the plans for which we shared with you in the interests of transparency, we have had multiple meet and confers with you on this topic over the last weeks and months, and regrettably have been unable to see any progress on your end, despite our good faith efforts. Indeed, as but one example, despite our disclosure to you that Dr. Athey was not participating in this matter, Google has yet to confirm that it will stand down on discovery to her, and in fact, still apparently continues to seek to serve her with a document and deposition subpoena, potentially at her home. We have asked you repeatedly what it would take to resolve this matter, and we have received no response from you. We have even offered to produce to you internal Departmental memoranda, implicating multiple potential privileges, on a no waiver basis. We see no further point in continuing to make offers to you without any reciprocation on your part. As Google itself suggested in one of our meet and confers earlier this week, it seems like we are at an impasse. As to your question regarding timing, in order to get any protective order in place by the close of fact discovery, we have to file the motion today because it also involves the court’s consideration of dispositive matters, not merely non-dispositive matters. We continue to be open to negotiations with you, but are also mindful to raise issues to the Court where we are at an impasse.

Regards.

Julia Tarver Wood

Senior Litigation Counsel

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Sent: Friday, August 18, 2023 4:16 PM

To: Teitelbaum, Aaron (ATR) <Aaron.Teitelbaum@usdoj.gov>; Wood, Julia (ATR) <Julia.Tarver.Wood@usdoj.gov>; ELMER, Julie (JSE) <Julie.Elmer@freshfields.com>; RHEE, Wang Jae <WangJae.Rhee@freshfields.com>; SALEM, Sara <Sara.Salem@freshfields.com>; Freeman, Michael (ATR) <Michael.Freeman@usdoj.gov>; dpearl@axinn.com; Garcia, Kelly (ATR) <Kelly.Garcia@usdoj.gov>; Wolin, Michael (ATR) <Michael.Wolin@usdoj.gov>; Mene, Gerard (USAAVE) <GMene@usa.doj.gov>; aferguson@oag.state.va.us; spopps@oag.state.va.us; thenry@oag.state.va.us; kgallagher@oag.state.va.us; Brian Wang <Brian.Wang@doj.ca.gov>; Paula Blizzard <Paula.Blizzard@doj.ca.gov>; bryn.williams@coag.gov; jan.zavislan@coag.gov; steve.kaufmann@coag.gov; nicole.demers@ct.gov; yale.leber@law.njoag.gov; elinor.hoffmann@ag.ny.gov; morgan.feder@ag.ny.gov; david.mcdowell@ag.tn.gov; ethan.bowers@ag.tn.gov; Vernon, Jeffrey (ATR) <Jeffrey.Vernon@usdoj.gov>; tyler.corcoran@ag.tn.gov; Elizabeth.Maxeiner@ilag.gov; jayme.weber@azag.gov; cari.jeffries@ca.ag.gov; amy.hanson@atg.wa.gov; brandon.h.garod@doj.nh.gov; james.r.davis@doj.nh.gov; douglas.l.davis@wvago.gov; joseph.conrad@nebraska.gov; jmcghee@ncdoj.gov; jmarx@ncdoj.gov; kchoksi@ncdoj.gov; Tyler.Arnold@atg.wa.gov; kate.iiams@atg.wa.gov; colin.snider@nebraska.gov; zach.biesanz@ag.state.mn.us; evansj@michigan.gov; mertenss@michigan.gov; sprovazza@riag.ri.gov; Jennifer.Coronel@ilag.gov; JHarrison@oag.state.va.us; McBirney, Jimmy (ATR) <Jimmy.McBirney@usdoj.gov>; Barry, Kaitlyn (ATR) <Kaitlyn.Barry@usdoj.gov>; Briskin, Craig (ATR) <Craig.Briskin@usdoj.gov>; Clemons, Katherine (ATR) <Katherine.Clemons@usdoj.gov>; Guarnera, Daniel (ATR) <Daniel.Guarnera@usdoj.gov>; Choi, Stephanie (ATR) <Stephanie.Choi@usdoj.gov>; Lauren.Pomeroy@doj.ca.gov; locean@riag.ri.gov; Nakamura, Brent (ATR) <Brent.Nakamura@usdoj.gov>; Strick, Amanda (ATR) <Amanda.Strick@usdoj.gov>; Daniel Bitton <dbitton@axinn.com>; Ali Vissichelli <avissichelli@axinn.com>; Dunn, Karen L <kdunn@paulweiss.com>; Rhee, Jeannie S <jrhee@paulweiss.com>; Isaacson, William A <wisaacson@paulweiss.com>; Bial, Joseph J <jbial@paulweiss.com>; Dearborn, Meredith <mdearborn@paulweiss.com>; Morgan, Erin J <ejmorgan@paulweiss.com>; Amy Mauser <amauser@paulweiss.com>; Goodman, Martha <mgoodman@paulweiss.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; GARRETT, Tyler <Tyler.Garrett@freshfields.com>; TU, Xiaoxi <Xiaoxi.Tu@freshfields.com>; craig.reilly@ccreillylaw.com; EISMAN, Scott <Scott.Eisman@freshfields.com>; Milligan, Heather C <hmilligan@paulweiss.com>

Subject: [EXTERNAL] RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - 30(b) (6) notices

Julia and Aaron,

Google is not willing to agree to the terms in your email, as they would allow Plaintiffs to seek a protective order today, while constraining Google's ability to do the same. We are preparing to file our motion for a protective order today. If you would like to accept the offer contained in Julie's email from last night, that remains open until 4:30 pm.

We consider it unfortunate that Plaintiffs would consider burdening the Court with these matters when the

parties seemed to be making progress on a number of fronts. In particular, we are not at an impasse on the issues related to Google's affirmative defenses. Plaintiffs only recently made a proposal to address RFP 40, which Google is still considering. We fail to see any reason why your motion needs to be filed today, as the close of fact discovery does not prevent the Court from considering a motion for judgment on the pleadings/to strike.

Andy

From: Teitelbaum, Aaron (ATR) <Aaron.Teitelbaum@usdoj.gov>

Sent: Friday, August 18, 2023 4:10 PM

To: Wood, Julia (ATR) <Julia.Tarver.Wood@usdoj.gov>; ELMER, Julie (JSE) <Julie.Elmer@freshfields.com>; RHEE, Wang Jae <WangJae.Rhee@freshfields.com>; SALEM, Sara <Sara.Salem@freshfields.com>; Freeman, Michael (ATR) <Michael.Freeman@usdoj.gov>; dpearl@axinn.com; Garcia, Kelly (ATR) <Kelly.Garcia@usdoj.gov>; Wolin, Michael (ATR) <Michael.Wolin@usdoj.gov>; Mene, Gerard (USAVAE) <Gerard.Mene@usdoj.gov>; aferguson@oag.state.va.us; spopps@oag.state.va.us; thenry@oag.state.va.us; kgallagher@oag.state.va.us; Brian Wang <Brian.Wang@doj.ca.gov>; Paula Blizzard <Paula.Blizzard@doj.ca.gov>; bryn.williams@coag.gov; jan.zavislan@coag.gov; steve.kaufmann@coag.gov; nicole.demers@ct.gov; yale.leber@law.njoag.gov; elinor.hoffmann@ag.ny.gov; morgan.feder@ag.ny.gov; david.mcdowell@ag.tn.gov; ethan.bowers@ag.tn.gov; Vernon, Jeffrey (ATR) <Jeffrey.Vernon@usdoj.gov>; tyler.corcoran@ag.tn.gov; Elizabeth.Maxeiner@ilag.gov; jayme.weber@azag.gov; cari.jeffries@ca.ag.gov; amy.hanson@atg.wa.gov; brandon.h.garod@doj.nh.gov; james.r.davis@doj.nh.gov; douglas.l.davis@wvago.gov; joseph.conrad@nebraska.gov; jmcghee@ncdoj.gov; jmarx@ncdoj.gov; kchoksi@ncdoj.gov; Tyler.Arnold@atg.wa.gov; kate.iiams@atg.wa.gov; colin.snider@nebraska.gov; zach.biesanz@ag.state.mn.us; evansj@michigan.gov; mertenss@michigan.gov; sprovazza@riag.ri.gov; Jennifer.Coronel@ilag.gov; JHarrison@oag.state.va.us; McBirney, Jimmy (ATR) <Jimmy.McBirney@usdoj.gov>; Barry, Kaitlyn (ATR) <Kaitlyn.Barry@usdoj.gov>; Briskin, Craig (ATR) <Craig.Briskin@usdoj.gov>; Clemons, Katherine (ATR) <Katherine.Clemons@usdoj.gov>; Guarnera, Daniel (ATR) <Daniel.Guarnera@usdoj.gov>; Choi, Stephanie (ATR) <Stephanie.Choi@usdoj.gov>; Lauren.Pomeroy@doj.ca.gov; locean@riag.ri.gov; Nakamura, Brent (ATR) <Brent.Nakamura@usdoj.gov>; Strick, Amanda (ATR) <Amanda.Strick@usdoj.gov>; Daniel Bitton <dbitton@axinn.com>; Ali Vissichelli <avissichelli@axinn.com>; Dunn, Karen L <kdunn@paulweiss.com>; Rhee, Jeannie S <jrhee@paulweiss.com>; Isaacson, William A <wisaacson@paulweiss.com>; Bial, Joseph J <jbial@paulweiss.com>; Dearborn, Meredith <mdearborn@paulweiss.com>; Morgan, Erin J <ejmorgan@paulweiss.com>; Amy Mauser <amauser@paulweiss.com>; Goodman, Martha <mgoodman@paulweiss.com>; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; GARRETT, Tyler <Tyler.Garrett@freshfields.com>; TU, Xiaoxi <Xiaoxi.Tu@freshfields.com>; craig.reilly@ccreillylaw.com; EISMAN, Scott <Scott.Eisman@freshfields.com>; Milligan, Heather C <hmilligan@paulweiss.com>

Subject: RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - 30(b)(6) notices

Hello all,

Any updates on this? Would it be helpful to have a call to discuss?

Aaron M. Teitelbaum

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From: Wood, Julia (ATR) <Julia.Tarver.Wood@usdoj.gov>

Sent: Friday, August 18, 2023 1:41 PM

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Subject: RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - 30(b)(6) notices

Julie and Team – Consistent with our call just now, and in the hopes of minimizing unnecessary motion practice, Plaintiffs can agree to the following in response to your email of last night:

1. Plaintiffs agree not to seek, without Google's consent, to conduct the Rule 30(b)(6) deposition of Google before Monday, September 4, 2023.
2. Provided that Google agrees to defer filing any motion for a protective order concerning Plaintiffs' Rule 30(b)(6) until August 25, 2023, Plaintiffs agree not to move before Friday, August 25, 2023, if at all, for a protective order concerning any aspect of the Rule 30(b)(6) noticed served on the United States other than those Topics (31, 37, and 38) that relate to Google's tenth and thirteenth affirmative defenses, on which the United States may move as soon as today for appropriate relief. To the extent the parties are unable to reach agreement on their respective Rule 30(b)(6) motions (excepting those portions of Google's Rule 30(b)(6) notice to the United States that relate to Google's affirmative defenses) by August 25, 2023, each side will file, as it deems necessary, a motion for a protective order by no later than August 25, 2023 to ensure that any such motion for a protective order can be heard and ruled upon by the Court no later than September 1, 2023.
3. Plaintiffs and Google will collectively come to agreement as to whether it is necessary to file a motion with the court no later than August 25, 2023 to allow any 30(b)(6) deposition of Google to occur on September 11-12, 2023. That motion for an out-of-time deposition of Google on the Rule 30(b)(6) topics will be jointly filed by the parties and will not place blame on either side for the need to take the deposition out-of-time (should that be necessary).

Please let us soon as possible whether we have an agreement on these terms.

Best,
Julia

Julia Tarver Wood

Senior Litigation Counsel

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From: ELMER, Julie (JSE) <Julie.Elmer@freshfields.com>

Sent: Thursday, August 17, 2023 9:49 PM

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Subject: [EXTERNAL] RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - 30(b) (6) notices

Aaron,

We agree it was a productive call. In an effort to continue making progress on the meet and confer regarding both sides' respective 30(b)(6) notices, Google agrees to the following:

1. Plaintiffs agree not to seek to conduct the Google 30(b)(6) deposition before Monday, September 4, 2023.
2. Plaintiffs and Google agree not to move for a protective order or other relief on either of the respective 30(b)(6) notices before Friday, August 25, 2023 (if at all).
3. Plaintiffs and Google jointly agree that, if necessary, they will file a motion with

the court on August 25, 2023, seeking the court's leave to allow any 30(b)(6) deposition of Google to occur during the week of September 11, 2023, with testimony to be completed no later than Tuesday, September 12, 2023. To be clear, the agreement that a deposition would be allowed to occur during the week of September 11 does not preclude Google from seeking a protective order.

Please let us know if this works for Plaintiffs, as well as Plaintiffs' response to the proposal Andy discussed with you earlier today.

Julie Elmer

Partner

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From: Teitelbaum, Aaron (ATR) <Aaron.Teitelbaum@usdoj.gov>
Sent: Thursday, August 17, 2023 6:11 PM
To: ELMER, Julie (JSE) <Julie.Elmer@freshfields.com>; Wood, Julia (ATR) <Julia.Tarver.Wood@usdoj.gov>; RHEE, Wang Jae <WangJae.Rhee@freshfields.com>; SALEM, Sara <Sara.Salem@freshfields.com>; Freeman, Michael (ATR) <Michael.Freeman@usdoj.gov>; dpearl@axinn.com; Garcia, Kelly (ATR) <Kelly.Garcia@usdoj.gov>; Wolin, Michael (ATR) <Michael.Wolin@usdoj.gov>; Mene, Gerard (USAVAE) <Gerard.Mene@usdoj.gov>; aferguson@oag.state.va.us; spopps@oag.state.va.us; thenry@oag.state.va.us; kgallagher@oag.state.va.us; Brian Wang <Brian.Wang@doj.ca.gov>; Paula Blizzard <Paula.Blizzard@doj.ca.gov>; bryn.williams@coag.gov; jan.zavislan@coag.gov; steve.kaufmann@coag.gov; nicole.demers@ct.gov; yale.leber@law.njoag.gov; elinor.hoffmann@ag.ny.gov; morgan.feder@ag.ny.gov; david.mcdowell@ag.tn.gov; ethan.bowers@ag.tn.gov; Vernon, Jeffrey (ATR) <Jeffrey.Vernon@usdoj.gov>; tyler.corcoran@ag.tn.gov; Elizabeth.Maxeiner@ilag.gov; jayme.weber@azag.gov; cari.jeffries@ca.ag.gov; amy.hanson@atg.wa.gov; brandon.h.garod@doj.nh.gov; james.r.davis@doj.nh.gov; douglas.l.davis@wvago.gov; joseph.conrad@nebraska.gov; jmcghee@ncdoj.gov; jmarx@ncdoj.gov; kchoksi@ncdoj.gov; Tyler.Arnold@atg.wa.gov; kate.ijams@atg.wa.gov; colin.snider@nebraska.gov; zach.biesanz@ag.state.mn.us; evansj@michigan.gov; mertenss@michigan.gov; sprovazza@riag.ri.gov; Jennifer.Coronel@ilag.gov; JHarrison@oag.state.va.us; McBirney, Jimmy (ATR) <Jimmy.McBirney@usdoj.gov>; Barry, Kaitlyn (ATR) <Kaitlyn.Barry@usdoj.gov>; Briskin, Craig (ATR) <Craig.Briskin@usdoj.gov>; Clemons, Katherine (ATR) <Katherine.Clemons@usdoj.gov>; Guarnera, Daniel (ATR) <Daniel.Guarnera@usdoj.gov>; Choi, Stephanie (ATR) <Stephanie.Choi@usdoj.gov>; Lauren.Pomeroy@doj.ca.gov; locean@riag.ri.gov; Nakamura, Brent (ATR) <Brent.Nakamura@usdoj.gov>; Strick, Amanda (ATR) <Amanda.Strick@usdoj.gov>; Daniel Bitton <dbitton@axinn.com>; Ali Vissichelli <avissichelli@axinn.com>; Dunn, Karen L <kdunn@paulweiss.com>; Rhee, Jeannie S <jrhee@paulweiss.com>; Isaacson, William A <wisaacson@paulweiss.com>; Bial, Joseph J <jbial@paulweiss.com>; Dearborn, Meredith

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Subject: RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - 30(b)(6) notices

Julie,

Thank you for the productive call just now. In an effort to reach a quick resolution on the immediate timing questions, I wanted to convey our proposal on timing of the Google 30(b)(6) deposition in writing. You can now consider this an explicit offer, not a hypothetical one.

1. Plaintiffs would agree not to seek to conduct the Google 30(b)(6) deposition before Monday, September 4, 2023.
2. Google would agree not to move for a protective order or other relief on the 30(b)(6) notice to Google before Friday, August 25, 2023 (if at all).
3. The parties jointly agree that they will file a motion with the court on August 25, 2023, seeking the court's leave to have the Google 30(b)(6) occur during the week of September 11, 2023, with testimony to be completed no later than Friday, September 15, 2023.

Please let us know if this works for Google.

Thanks very much,

Aaron M. Teitelbaum

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From: ELMER, Julie (JSE) <Julie.Elmer@freshfields.com>

Sent: Wednesday, August 16, 2023 9:28 PM

To: Teitelbaum, Aaron (ATR) <Aaron.Teitelbaum@usdoj.gov>; Wood, Julia (ATR) <Julia.Tarver.Wood@usdoj.gov>; RHEE, Wang Jae <WangJae.Rhee@freshfields.com>; SALEM, Sara <Sara.Salem@freshfields.com>; Freeman, Michael (ATR) <Michael.Freeman@usdoj.gov>; dpearl@axinn.com; Garcia, Kelly (ATR) <Kelly.Garcia@usdoj.gov>; Wolin, Michael (ATR) <Michael.Wolin@usdoj.gov>; Mene, Gerard (USAVAE) <GMene@usa.doj.gov>; aferguson@oag.state.va.us; spopps@oag.state.va.us; thenry@oag.state.va.us; kgallagher@oag.state.va.us; Brian Wang <Brian.Wang@doj.ca.gov>; Paula Blizzard <Paula.Blizzard@doj.ca.gov>; bryn.williams@coag.gov; jan.zavislan@coag.gov; steve.kaufmann@coag.gov; nicole.demers@ct.gov; yale.leber@law.njoag.gov; elinor.hoffmann@ag.ny.gov; morgan.feder@ag.ny.gov; david.mcdowell@ag.tn.gov;

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Subject: [EXTERNAL] Re: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) -
Google's Objections to Plaintiffs' Rule 30(b)(6) Notice

Aaron,

Noon tomorrow works. Can you send a scheduler?

Julie Elmer
Partner
Freshfields Bruckhaus Deringer
M +1 202.420.1788

From: Teitelbaum, Aaron (ATR) <Aaron.Teitelbaum@usdoj.gov>
Sent: Wednesday, August 16, 2023 8:07 PM
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kgallagher@oag.state.va.us <kgallagher@oag.state.va.us>; Brian Wang <Brian.Wang@doj.ca.gov>; Paula Blizzard <Paula.Blizzard@doj.ca.gov>; bryn.williams@coag.gov <bryn.williams@coag.gov>; jan.zavislan@coag.gov <jan.zavislan@coag.gov>; steve.kaufmann@coag.gov <steve.kaufmann@coag.gov>; nicole.demers@ct.gov <nicole.demers@ct.gov>; yale.leber@law.njoag.gov <yale.leber@law.njoag.gov>; elinor.hoffmann@ag.ny.gov <elinor.hoffmann@ag.ny.gov>; morgan.feder@ag.ny.gov <morgan.feder@ag.ny.gov>; david.mcdowell@ag.tn.gov <david.mcdowell@ag.tn.gov>; ethan.bowers@ag.tn.gov <ethan.bowers@ag.tn.gov>; Vernon, Jeffrey (ATR) <Jeffrey.Vernon@usdoj.gov>; tyler.corcoran@ag.tn.gov <tyler.corcoran@ag.tn.gov>; Elizabeth.Maxeiner@ilag.gov <Elizabeth.Maxeiner@ilag.gov>; jayme.weber@azag.gov <jayme.weber@azag.gov>; cari.jeffries@ca.ag.gov <cari.jeffries@ca.ag.gov>; amy.hanson@atg.wa.gov <amy.hanson@atg.wa.gov>; brandon.h.garod@doj.nh.gov <brandon.h.garod@doj.nh.gov>; james.r.davis@doj.nh.gov <james.r.davis@doj.nh.gov>; douglas.l.davis@wvago.gov <douglas.l.davis@wvago.gov>; joseph.conrad@nebraska.gov <joseph.conrad@nebraska.gov>; jmcghee@ncdoj.gov <jmcghee@ncdoj.gov>; jmarx@ncdoj.gov <jmarx@ncdoj.gov>; kchoksi@ncdoj.gov <kchoksi@ncdoj.gov>; Tyler.Arnold@atg.wa.gov <Tyler.Arnold@atg.wa.gov>; kate.iiams@atg.wa.gov <kate.iiams@atg.wa.gov>; colin.snider@nebraska.gov <colin.snider@nebraska.gov>; zach.biesanz@ag.state.mn.us <zach.biesanz@ag.state.mn.us>; evansj@michigan.gov <evansj@michigan.gov>; mertenss@michigan.gov <mertenss@michigan.gov>; sprovazza@riag.ri.gov <sprovazza@riag.ri.gov>; Jennifer.Coronel@ilag.gov <Jennifer.Coronel@ilag.gov>; JHarrison@oag.state.va.us <JHarrison@oag.state.va.us>; McBirney, Jimmy (ATR) <Jimmy.McBirney@usdoj.gov>; Barry, Kaitlyn (ATR) <Kaitlyn.Barry@usdoj.gov>; Briskin, Craig (ATR) <Craig.Briskin@usdoj.gov>; Clemons, Katherine (ATR) <Katherine.Clemons@usdoj.gov>; Guarnera, Daniel (ATR) <Daniel.Guarnera@usdoj.gov>; Choi, Stephanie (ATR) <Stephanie.Choi@usdoj.gov>; Lauren.Pomeroy@doj.ca.gov <Lauren.Pomeroy@doj.ca.gov>; locean@riag.ri.gov <locean@riag.ri.gov>; Nakamura, Brent (ATR) <Brent.Nakamura@usdoj.gov>; Strick, Amanda (ATR) <Amanda.Strick@usdoj.gov>; Daniel Bitton <dbitton@axinn.com>; Ali Vissichelli <avissichelli@axinn.com>; Dunn, Karen L <kdunn@paulweiss.com>; Rhee, Jeannie S <jrhee@paulweiss.com>; Isaacson, William A <wisaacson@paulweiss.com>; Bial, Joseph J <jbial@paulweiss.com>; Dearborn, Meredith <mdearborn@paulweiss.com>; Morgan, Erin J <ejmorgan@paulweiss.com>; Amy Mauser <amauser@paulweiss.com>; Goodman, Martha <mgoodman@paulweiss.com>; EWALT, Andrew (AJE) <Andrew.Ewalt@freshfields.com>; MAHR, Eric (EJM) <Eric.MAHR@freshfields.com>; MCCALLUM, Robert <rob.mccallum@freshfields.com>; GARRETT, Tyler <Tyler.Garrett@freshfields.com>; TU, Xiaoxi <Xiaoxi.Tu@freshfields.com>; craig.reilly@ccreillylaw.com <craig.reilly@ccreillylaw.com>; EISMAN, Scott <Scott.Eisman@freshfields.com>; Milligan, Heather C <hmilligan@paulweiss.com>

Subject: RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Google's Objections to Plaintiffs' Rule 30(b)(6) Notice

Hi Julie,

Can we tentatively put time on the calendar for noon tomorrow (Thursday)? I will revert if that proves problematic for a critical mass of our folks.

Thanks,

Aaron M. Teitelbaum

Senior Litigation Counsel | Antitrust Division
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From: ELMER, Julie (JSE) <Julie.Elmer@freshfields.com>

Sent: Wednesday, August 16, 2023 8:02 PM

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Subject: [EXTERNAL] RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) -

Google's Objections to Plaintiffs' Rule 30(b)(6) Notice

Aaron,

In follow up to today's meet and confer and written exchange of proposed allocations of 30(b)(6) time, we should discuss both sides' 30(b)(6) notices together. We still have a lot to discuss with respect to the DOJ's 30(b)(6) notice to Google. The team is available to discuss both 30(b)(6) notices between 11 and 12:30 tomorrow. If that slot does not work, please propose alternative times tomorrow.

Julie Elmer

Partner

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Sent: Wednesday, August 16, 2023 6:49 PM

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Subject: RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Google's Objections to Plaintiffs' Rule 30(b)(6) Notice

Dear Counsel,

We would like to schedule another meet and confer for tomorrow (Thursday) about the portion of Google's 30(b)(6) notice that purports to be directed to DOJ.

We would also like to discuss the Rule 30(b)(1) deposition notices of AAG Kanter and Dr. Athey, as they pertain to their employment at DOJ.

We have availability between 11am and 1pm tomorrow, as we mentioned in connection with a request for a meet and confer on the subject of RFP No. 40 and related matters.

Please let us know if you are available during that time.

Thanks,

Aaron M. Teitelbaum

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From: ELMER, Julie (JSE) <Julie.Elmer@freshfields.com>

Sent: Wednesday, August 16, 2023 5:14 PM

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Subject: [EXTERNAL] RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Google's Objections to Plaintiffs' Rule 30(b)(6) Notice

Counsel,

Google proposes the following allocations of time for the subject areas set forth in its 30(b)(6) notice dated July 20, 2023:

- 1.5 hours apiece for each of the 8 Federal Agency Advertisers (for a total of 12 hours)
- 2 hours for the DOJ

We are available to continue our meet and confer regarding both sides' 30(b)(6) deposition notices tomorrow. Please let us know when you will be available to discuss.

Julie Elmer

Partner

Freshfields Bruckhaus Deringer LLP

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Subject: RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Google's
 Objections to Plaintiffs' Rule 30(b)(6) Notice

Below are our proposed time allocations for the Rule 30(b)(6) deposition of Google, subject to our reaching agreement on these issues.

- **Financials/Accounting (Topics 1-6):** 6 hours
- **Data (Topics 7-16):** 3 hours
- **Google's Conduct (Topics 17-18):** 1 hour
- **Relationships with FAAs (Topics 19-22):** 2 hours
- **Possible Divestiture (Topics 23-24):** 1 hour
- **Document Retention (Topics 25-27):** 1 hour

Best,
 Julia

Julia Tarver Wood

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Subject: [EXTERNAL] RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Google's Objections to Plaintiffs' Rule 30(b)(6) Notice

Yes, we are ready to exchange.

Julie Elmer

Partner

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Subject: RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Google's

Objections to Plaintiffs' Rule 30(b)(6) Notice

Julie/Google team – I haven't heard back from you. Would you still like to exchange time allocations at 5 pm?

Julia Tarver Wood

Senior Litigation Counsel

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Subject: RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Google's Objections to Plaintiffs' Rule 30(b)(6) Notice

Julie – we have conferred and we are willing to agree to **14 hours** of Rule 30(b)(6) testimony per side. We will plan to circulate our proposed allocations for that time by 5 pm today.

Best,
Julia

Julia Tarver Wood

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Subject: [EXTERNAL] RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Google's Objections to Plaintiffs' Rule 30(b)(6) Notice

Julia,

Thank you for the call today. To better facilitate continued meet and confer discussions tomorrow, Google proposes that each side exchange by 5 pm ET today its proposed allocations of topics/agencies for their respective 30(b)(6) notices, assuming a reciprocal hours agreement of 10 hours per side.

Please confirm whether plaintiffs are amenable to this agreement.

Julie Elmer

Partner

Freshfields Bruckhaus Deringer LLP

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From: Wood, Julia (ATR) <Julia.Tarver.Wood@usdoj.gov>

Sent: Tuesday, August 15, 2023 8:51 AM

To: RHEE, Wang Jae <WangJae.Rhee@freshfields.com>; SALEM, Sara <Sara.Salem@freshfields.com>; Freeman, Michael (ATR) <Michael.Freeman@usdoj.gov>; dpearl@axinn.com; Garcia, Kelly (ATR) <Kelly.Garcia@usdoj.gov>; Wolin, Michael (ATR) <Michael.Wolin@usdoj.gov>; Teitelbaum, Aaron (ATR) <Aaron.Teitelbaum@usdoj.gov>; Mene, Gerard (USAVAE) <Gerard.Mene@usdoj.gov>; aferguson@oag.state.va.us; spopps@oag.state.va.us; thenry@oag.state.va.us; kgallagher@oag.state.va.us; Brian Wang <Brian.Wang@doj.ca.gov>; Paula Blizzard <Paula.Blizzard@doj.ca.gov>; bryn.williams@coag.gov; jan.zavislan@coag.gov; steve.kaufmann@coag.gov; nicole.demers@ct.gov; yale.leber@law.njoag.gov; elinor.hoffmann@ag.ny.gov; morgan.feder@ag.ny.gov; david.mcdowell@ag.tn.gov; ethan.bowers@ag.tn.gov; Vernon, Jeffrey (ATR) <Jeffrey.Vernon@usdoj.gov>; tyler.corcoran@ag.tn.gov; Elizabeth.Maxeiner@ilag.gov; jayme.weber@azag.gov; cari.jeffries@ca.ag.gov; amy.hanson@atg.wa.gov; brandon.h.garod@doj.nh.gov; james.r.davis@doj.nh.gov; douglas.l.davis@wvago.gov; joseph.conrad@nebraska.gov; jmcghee@ncdoj.gov; jmarx@ncdoj.gov; kchoksi@ncdoj.gov; Tyler.Arnold@atg.wa.gov; kate.iiams@atg.wa.gov; colin.snider@nebraska.gov; zach.biesanz@ag.state.mn.us; evansj@michigan.gov; mertenss@michigan.gov; sprovazza@riag.ri.gov; Jennifer.Coronel@ilag.gov;

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Subject: RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Google's Objections to Plaintiffs' Rule 30(b)(6) Notice

We are available to meet at 12:00 pm tomorrow to discuss, and we would also like to continue our discussion regarding the 30(b)(6) notice served on the United States, as well, so we can hopefully come to resolution on both.

Julia Tarver Wood

Senior Litigation Counsel

United States Department of Justice, Antitrust Division

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(202) 552-9047 (Mobile Phone)

Julia.Tarver.Wood@usdoj.gov

Pronouns: She/Her/Hers

From: RHEE, Wang Jae <WangJae.Rhee@freshfields.com>

Sent: Tuesday, August 15, 2023 12:00 AM

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<Scott.Eisman@freshfields.com>

Subject: [EXTERNAL] RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Google's Objections to Plaintiffs' Rule 30(b)(6) Notice

Counsel,

We've had problems today with emails going through so I am resending, just in case, the attached correspondence regarding the 30(b)(6) Deposition Notice served on Google on August 9, 2023. As my colleague Sara noted below, we are available to meet and confer regarding this Notice and Google's Objections on Wednesday, August 16, from 10:00AM – 1:30PM EST, or between 3:30PM and 6PM EST.

Best,
Wang Jae

Wang Jae Rhee
Associate

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601 Lexington Avenue
New York, NY 10022
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From: SALEM, Sara <Sara.Salem@freshfields.com>

Sent: Monday, August 14, 2023 10:47 PM

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Subject: RE: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Google's Objections to Plaintiffs' Rule 30(b)(6) Notice

Counsel –

Please see the attached correspondence regarding the 30(b)(6) Deposition Notice served on Google on August 9, 2023. We are available to meet and confer regarding this Notice and Google's Objections on Wednesday, August 16, from 10:00AM – 1:30PM EST, or between 3:30PM and 6PM EST.

Best,
Sara

Sara Salem

Associate

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From: Freeman, Michael (ATR) <Michael.Freeman@usdoj.gov>

Sent: Wednesday, August 9, 2023 4:01 PM

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Subject: United States et al v. Google LLC, 1:23-cv-00108-LMB-JFA (E.D. Va.) - Rule 30(b)(6) Notice

Counsel,

Attached for service please find Plaintiffs' notice for a Rule 30(b)(6) deposition.

Thank you.

Michael J. Freeman | Trial Attorney

U.S. Department of Justice, Antitrust Division

450 5th Street, N.W. Washington, D.C. 20530

(202) 213-2774 (Cell Phone)

Michael.Freeman@usdoj.gov

Pronouns: He, Him, His

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